

Abuse of Authority by Law Enforcement Officials in Government Procurement: A Criminal Law Analysis of Corruption Cases in Indonesia

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Abstract. *Corruption in government procurement of goods and services remains a major threat to state finances and public trust, as it involves complex interactions among administrative officials, private actors, and law enforcement agencies. This study aims to provide a doctrinal legal analysis of abuse of authority by law enforcement officials in public procurement and to develop an adequate framework of criminal liability under Indonesian positive law. The research employs a doctrinal method with statute, conceptual, and case approaches, focusing on relevant norms in the Anti-Corruption Law, the new Criminal Code, procurement regulations, and selected court decisions. The findings show, first, that the normative configuration of abuse of authority places Article 3 of the Anti-Corruption Law at the core for prosecuting officials including law-enforcement officers whose conduct deviates from the purpose of their office across procurement stages. Second, the patterns and modus operandi of law-enforcement abuse of authority appear in budget and planning interventions, manipulation of tender outcomes, weakened oversight, and case-fixing practices, generating structural impunity that conventional oversight mechanisms struggle to address. Third, an effective criminal-liability framework must combine strict application of Article 3, sentencing guidelines, and the emerging regime of corporate criminal liability to simultaneously target public officials, law-enforcement personnel, and corporations that benefit from corrupt procurement schemes. These results strengthen the normative and penal-policy basis for designing more incisive and multi-layered anti-corruption strategies in the public procurement sector.*

Keywords: Authority; Corruption; Law Enforcement; Procurement

1. Introduction

Corruption is one of the most damaging forms of crime to the fabric of statehood, as it not only causes financial losses to the state but also erodes public trust in government institutions as a whole (Latif & Halim, 2023). As a developing country with a complex bureaucratic structure, Indonesia faces significant challenges in eradicating corrupt practices that have become entrenched at various levels of government, from central to regional (Sijabat dkk., 2024). Various institutional reform efforts, regulatory strengthening, and the establishment of anti-corruption agencies have been undertaken, yet corruption cases continue to emerge with increasingly varied and organized methods (Maksum dkk., 2023). This condition demonstrates that corruption is not merely an individual problem but a systemic issue that requires in-depth study of the sectors most vulnerable to abuse.

One sector that consistently remains a corruption hotspot is government procurement of goods and services, as it involves substantial state budget flows and intensive interaction between public officials and providers (Adhi dkk., 2025). Data compiled by the Corruption Eradication Commission (KPK) shows that approximately 70 percent of corruption cases handled originate from the goods/services procurement sector, a proportion that underscores how strategic this sector is as an entry point for state financial irregularities (Rahayu & Prakasa, 2022). Phenomena such as budget inflation, fictitious procurement, and favoritism in determining tender winners have become recurring patterns, indicating that this issue has shifted from mere administrative irregularity into structured criminal corruption (Adhi dkk., 2025). The high frequency of cases in this sector demonstrates that existing prevention mechanisms have not been fully effective in closing the recurring gaps year after year.

This problem map becomes increasingly complex when law enforcement officials who should be overseeing and prosecuting procurement irregularities are themselves frequently involved in networks of authority abuse, whether through intervention in investigation processes, manipulation of tender outcomes, or direct involvement in contract arrangements (Latif & Halim, 2023). When actors holding coercive authority become part of the procurement corruption chain, eradication efforts no longer proceed linearly, as the party responsible for oversight is in the same interest relationship as the party being overseen (Maksum dkk., 2023). This situation creates a cycle of impunity that is difficult to break, as the legal process meant to serve as a control instrument can instead be manipulated by internal actors within the system itself. This condition underscores the urgency of research that specifically examines forms of authority abuse by law enforcement officials in the context of state procurement, rather than procurement corruption in general.

To reinforce the problem mapping above, Indonesia's Corruption Perception Index (CPI) data for the 2014–2025 period shows a stagnant score within the range of 34 to 40 points on a 0–100 scale, a range that, according to Transparency International standards, still indicates a high level of public sector corruption. The highest score was recorded in 2019 at 40 points, but subsequently experienced a declining trend to a low of 34 points in 2022 and 2023, before rising again to 37 points in 2024. This fluctuating and stagnant pattern aligns with findings that the government goods/services procurement sector remains a dominant contributor to corruption cases handled by anti-corruption agencies.

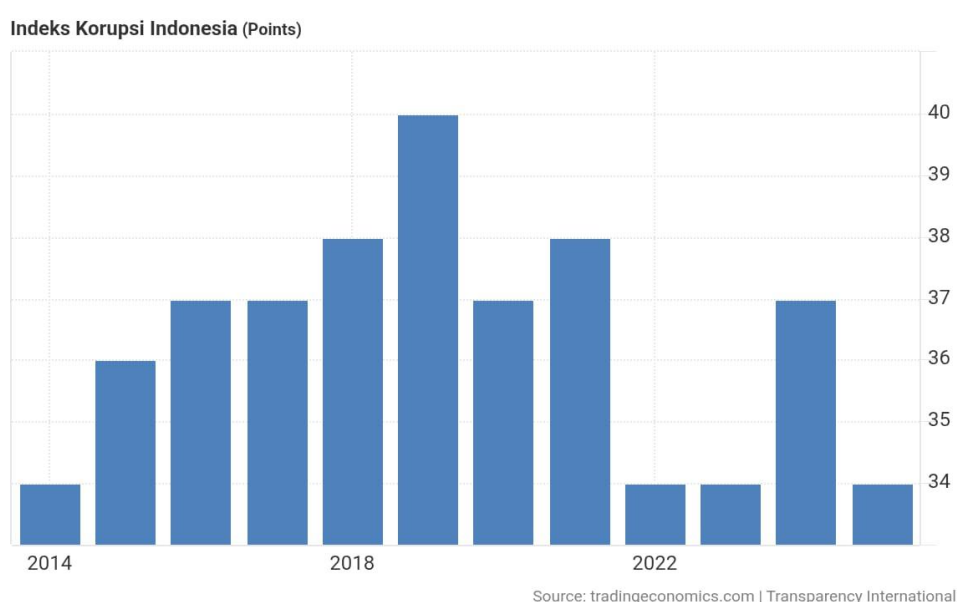


Figure 1: Indonesia's Corruption Index, 2014–2025

This CPI data reinforces the argument that weak enforcement against authority abuse in state procurement has become one of the restraining factors preventing significant score improvement. Digitalization through electronic procurement systems (*e-procurement*) has shown positive results in reducing direct interaction between providers and procurement officials, thereby empirically contributing to a decrease in corruption levels in several regions (Puspita & Gultom, 2024). However, the success of such electronic systems is highly dependent on political commitment and the integrity of oversight officials, as technology alone cannot close the loopholes for authority abuse if the very actors overseeing the procurement process are themselves complicit (Akbar dkk., 2022). This shows that technological solutions without accompanying institutional integrity reform will merely shift corruption patterns into more concealed forms.

Legally, the complexity of handling state procurement corruption is exacerbated by the overlap between the administrative law regime and criminal law regime in defining the element of “abuse of authority” Sijabat (2024) found that differences in formal and material approaches between these two legal regimes create legal uncertainty, including in determining when procurement procedural deviations can be categorized as ordinary administrative errors and when they escalate into criminal corruption. This unclear boundary contributes to disparities in court rulings on substantively similar cases, thereby undermining the overall effectiveness of procurement corruption eradication (Pandreadi dkk., 2025). Such disparities ultimately create injustice, as perpetrators with comparable methods and impacts may receive vastly different legal consequences.

This inconsistency in legal interpretation is also reflected in the application of Article 3 of Law Number 31 of 1999 concerning the Eradication of Corruption Crimes, which is meant to be the primary instrument for prosecuting officials including law enforcement officials who abuse their authority in the procurement process. Pandreadi (2025) reveals that weak oversight in the procurement system and inconsistent legal interpretation are major obstacles to establishing legal certainty. As a result, perpetrators of authority abuse, including officials, frequently escape criminal prosecution despite substantively fulfilling the elements of corruption offenses. This phenomenon demonstrates that the problem lies not only in normative weaknesses but also in weak consistency of law enforcement in practice.

In addition to interpretive legal issues, weak internal and external oversight of law enforcement officials involved in the procurement process is also a determining factor that worsens the quality of law enforcement. When oversight bodies such as the Police Professional and Security Division (Propam), Prosecutorial Oversight, and the Judicial Commission cannot carry out their duties independently and free from conflicts of interest, efforts to eradicate procurement corruption become suboptimal and tend to be reactive rather than preventive (Latif & Halim, 2023). This failure of oversight mechanisms ultimately results in the erosion of public trust in law enforcement institutions. This loss of trust has the potential to disrupt the stability of governance more broadly, as the public becomes reluctant to report irregularities when the institutions meant to take action are themselves perceived as compromised.

Based on the problem mapping above, a clear gap exists between the regulatory framework for state procurement that has been established—including the Presidential Regulation on Government Procurement of Goods/Services, the Anti-Corruption Law, and the new Criminal Code—and the implementation reality that remains vulnerable to intervention and authority abuse by law enforcement officials (Adhi et al., 2025). This regulation-implementation gap is not merely a technical issue but reflects weak harmonization between the legal regimes

governing procurement and corruption eradication. This lack of synchronization opens opportunities for certain actors to exploit interpretive loopholes for personal or group interests. This gap forms the argumentative foundation for this research to specifically unravel how patterns of authority abuse by officials manifest throughout the procurement process chain.

Several prior studies have examined the issue of government procurement corruption from various perspectives. Puspita (2024), employed a difference-in-differences approach to procurement corruption cases handled by the KPK and found that the implementation of e-procurement significantly reduces the number of procurement corruption cases, particularly in provinces with high capital expenditure, that study focused on the effectiveness of technological instruments as a quantitative prevention solution, whereas this research focuses on normative juridical analysis of the criminal accountability of law enforcement officials who abuse their authority within the procurement process. Adhi, Arifin, and Sani (2025), revealed a pattern of shift from administrative irregularities to criminal corruption within state procurement systems, highlighting budget inflation and contract favoritism as recurring modes, that study addressed procurement corruption patterns in general without specifying the involvement of law enforcement officials as primary actors, whereas this research specifically highlights the dual role of officials as both overseers and perpetrators of authority abuse. Latif and Halim (2023), analyzed judicial control over government authority abuse through administrative and criminal law channels, concluding that the two legal regimes possess distinct preventive and repressive characteristics that frequently overlap in practice; this research extends those findings by applying that repressive criminal accountability framework specifically to the context of authority abuse by law enforcement officials in state procurement corruption cases. Thus, this research offers novelty by integrating the technical-preventive dimension, systemic procurement corruption patterns, and juridical analysis of officials' criminal accountability an integration not previously addressed simultaneously by these three prior studies.

Accordingly, this research is expected to contribute both theoretically to the development of criminal law scholarship, particularly concerning the concepts of authority abuse and officials' criminal accountability, and practically to the formulation of more effective and accountable procurement oversight policies. The main research problem of this study is how forms of authority abuse by law enforcement officials manifest in cases of state procurement corruption, and how criminal accountability can be applied consistently based on Indonesia's positive law. This research aims to address these issues through normative analysis of regulations, court rulings, and reputable academic literature. Through this approach, the research is expected to provide concrete recommendations for strengthening procurement governance that is free from official intervention, while closing the impunity gap that has persisted thus far.

2. Research Methods

This research employs the doctrinal legal research method, which provides a systematic exposition of the legal rules governing a particular legal category, analyzes the relationships between norms, explains areas of interpretive difficulty, and seeks to predict future legal developments (Negara, 2023). Doctrinal research, also known as normative legal research, focuses on written regulations and other legal materials through library research, without involving empirical field data collection (Qamar & Rezah, 2022). This doctrinal approach was chosen because the issue examined in this study namely, authority abuse by law enforcement officials in state procurement corruption constitutes a normative juridical issue that requires an analysis of consistency between administrative law norms, criminal law norms, and their application in court decisions (Hamzani dkk., 2024).

This research employs three approaches simultaneously, the statute approach, the conceptual approach, and the case approach. The statute approach is conducted by examining all regulations relevant to the issue of authority abuse and state procurement corruption, including the Anti-Corruption Law, the Government Administration Law, the Presidential Regulation on Government Procurement of Goods/Services, and the new Criminal Code. The conceptual approach is used to understand the concepts of authority, abuse of authority, and criminal accountability on a theoretical level, while the case approach is conducted through the analysis of relevant court decisions to understand how these norms are applied and interpreted in judicial practice.

The legal materials used in this research consist of three types, primary legal materials in the form of laws and regulations and court decisions; secondary legal materials in the form of textbooks, reputable scholarly journal articles, prior research findings, and legal experts' opinions; and tertiary legal materials in the form of legal dictionaries and encyclopedias that serve to clarify the primary and secondary legal materials (Hamzani dkk., 2024). The technique of collecting legal materials is conducted through documentary study and library research, while the analysis of legal materials is conducted qualitatively through grammatical and systematic interpretation methods, namely interpreting norms according to their linguistic meaning and connecting one article with related articles within interrelated regulations (Rachmawan & Wahyudin, 2024). Research conclusions are drawn deductively, namely by deriving specific conclusions from general premises consisting of the legal norms and doctrines that have been analyzed, in order to answer the research problem in an argumentative and systematic manner (Hakim, 2016).

3. Result and Discussion

3.1. Normative Configuration of Abuse of Authority in Government Procurement

The regulation of abuse of authority in government procurement in Indonesia is built on a normative construction that positions procurement corruption as a criminal offense whose core elements are unlawful conduct and misuse of public authority (Pane, 2017). In the Anti-Corruption Law, Article 2 formulates corruption around the element of *unlawful act*, while Article 3 centers on *abuse of authority, opportunity, or means due to office or position* (Darmawan & Pattiasina, 2023). Pane explains that public procurement norms sit at the intersection of three legal regimes administrative law, civil law, and criminal law each carrying different normative functions yet closely intertwined in practice (Pane, 2017). This tri-layered structure renders the normative configuration of abuse of authority in goods/services procurement complex and demands an integrated reading across all three fields.

From an administrative law perspective, abuse of authority is understood as conduct by officials that departs from the purpose of the power granted, the principle of legality, and general principles of good governance. Asmarani's research shows that in the context of government procurement, abuse of authority frequently appears in the form of negative discretion, the choice of procedures that deviate from prescribed rules, and disregard for transparency and accountability (Asmarani, 2023). Meanwhile, in the criminal law regime, Audia emphasizes that abuse of authority is a form of unlawful conduct which materially deviates from the purpose of public office and formally violates statutory provisions (Audia, 2025). Thus, the normative configuration of abuse of authority in procurement cannot be reduced to the text of the Anti-Corruption Law alone but must also be read through administrative principles and general principles of good governance.

Syamsuddin notes that, in court practice, the element of "abuse of authority" is one of the mandatory elements that the public prosecutor must prove, alongside other elements such as unlawful act, state financial loss, and intent to benefit oneself or another (Syamsuddin, 2020). In procurement corruption cases, this element is usually substantiated through reconstruction of tender chronology, analysis of contract documents, and comparison of officials' actions against the procedural norms for procurement contained in the Presidential Regulation (Syamsuddin, 2020). His doctrinal analysis shows that the element of abuse of authority cannot be separated from the procedural structure of procurement, so that the configuration of criminal norms always intersects with technical administrative rules. This is important because procurement corruption generally does not arise from a single normative violation but from a chain of interconnected decisions made at each stage of procurement.

Putra and colleagues, in their study of administrative and criminal law aspects in public procurement, state that procurement corruption typically begins with administrative violations but escalates into criminal corruption once elements of state financial loss and intent to enrich oneself or others are present (Putra dkk., 2024). Within this normative configuration, violations of procurement procedures such as manipulated technical specifications, engineered timelines, or rigged bidder participation remain within the administrative sphere as long as they do not satisfy the elements of the Anti-Corruption Law, once such violations are accompanied by a profit motive and demonstrable state loss, Articles 2 and 3 begin to operate as criminal norms (Putra et al., 2024). This means that the boundary between administrative wrongdoing and abuse of authority with criminal implications is determined by a combination of subjective aspects (*mens rea*) and objective aspects (state financial loss).

Ramadhan's research on criminal law aspects in government procurement adds that the function of criminal norms in procurement is to ensure accountability at stages with high risk of collusion and bribery, especially the planning stage, determination of the owner's estimate (HPS), bid evaluation, and designation of tender winners (Ramadhan, 2025). In this context, norms on abuse of authority operate as a "net" for officials' actions that may appear formally lawful through official decisions and written contracts but materially deviate from procurement objectives of efficiency, transparency, and freedom from corruption, collusion, and nepotism. In other words, this normative configuration does not look only at procedural legality but also at substantive propriety and the teleological orientation of public office.

Darmawan develops the theoretical construction of abuse of authority as a corruption offense by distinguishing three forms of misuse, exceeding authority, conflating authorities, and acting arbitrarily (Darmawan & Pattiasina, 2023). In procurement of goods/services, the first form appears when officials make decisions beyond the limits of authority conferred by the procurement regulations, the second occurs when officials conflate roles as budget users, commitment-making officials, and procurement committees, thereby creating conflicts of interest; and the third manifests in unilateral actions that ignore the rights of suppliers. This normative typology is highly relevant for mapping the pattern of abuse of authority by law enforcement officials when they enter the procurement network through intervention or collusion (Maikel Tuilan dkk., 2026).

Asmarani stresses that, in government procurement, treating abuse of authority as a corruption offense must be carried out firmly and without discrimination against commitment-making officials or any other officials involved in decision-making. Her study underlines the importance of consistent application of Article 3 of the Anti-Corruption Law when officials use their discretion for personal

gain by exploiting weaknesses in oversight mechanisms (Asmarani, 2023). This shows that normative configuration cannot stop at abstract formulation; it must be accompanied by clear standards of application to all actors, including law enforcement officials who are involved in the handling of procurement cases.

Tuilan and colleagues examine the regulation of abuse of authority as corruption in Indonesian positive law and find that these norms tend to leave significant room for interpretation regarding the measure of “deviating from the purpose of office” (Maikel Tuilan dkk., 2026). They point out that, without clear interpretive guidelines, the distinction between legitimate policy decisions and abuse of authority may become blurred, thereby creating legal uncertainty (Tuilan et al., 2026). In the procurement of goods/services, such uncertainty is dangerous because it can result in excessive criminalization of minor administrative violations or, conversely, in impunity for officials who engage in systematic manipulation.

Overall, the normative configuration of abuse of authority in government procurement of goods and services in Indonesia reveals an overlap between administrative and criminal law and requires an integrated reading that combines general principles of good governance, transparent and accountable procurement standards, and strict criminal evidentiary requirements. For this study, understanding that configuration becomes an analytical foundation for assessing how law enforcement officials misuse their authority in procurement corruption cases and to what extent the application of criminal norms has been consistent in prosecuting such conduct. This normative analysis also opens room to propose reformulation or sharpening of norms so that abuse of authority in procurement can be processed more decisively and create a stronger deterrent effect for officials and law enforcement actors involved.

3.2. Patterns and Modus Operandi of Law Enforcement Officials’ Abuse of Authority in Procurement Processes

Building on the normative configuration outlined in the previous subsection, this part offers a sharper analysis of how abuse of authority concretely manifests in the practice of government procurement of goods and services, especially when law enforcement officials become involved. Kurniawan shows that the modus operandi of procurement corruption essentially follows the cycle of the procurement stages themselves from budget planning, drafting technical specifications, bidding, contract implementation, to payment. This recurring pattern indicates that corruption hotspots are not randomly distributed but concentrated at stages that grant broad discretion to decision-makers (Kurniawan & Pujiyono, 2018). Once law enforcement officials enter this chain, the pattern becomes more complex because it involves actors who also hold coercive powers that can be used to close off potential investigations.

Prasetio emphasizes that the *modus operandi* of corruption in government procurement in Indonesia varies but commonly takes the form of price inflation, covert arrangement of tender winners, and manipulation of the quality and quantity of delivered goods or services (Prasetio, 2024). In the context of law enforcement involvement, these patterns are often reinforced by officials' ability to halt legal processes or weaken internal oversight, so that administrative deviations never surface as criminal offenses. His analysis underscores that combating procurement corruption cannot rely solely on repressive instruments, because repression itself is vulnerable to manipulation when law enforcement officials become part of the network of offenders.

At the stage of supervision and investigation, Masyhudi finds that synergy among law enforcement institutions in handling corruption is frequently disrupted by overlapping mandates and institutional ego, which, rather than strengthening enforcement, opens space for individual officers to exploit ambiguities of authority for personal gain (Masyhudi, 2023). These ambiguities create fertile ground for "case fixing" where reports of alleged procurement corruption can be halted or delayed by officials who ought to prosecute them. This situation illustrates that weak institutional synergy is not a mere administrative issue but a structural gateway for systemic abuse of authority.

Wulandari, in a study on the role of law enforcement officials in preventing collusion crimes in public procurement, finds that the effectiveness of the regulatory framework heavily depends on coordination mechanisms among the KPK, Police, Prosecutor's Office, internal government auditors (APIP), and the National Public Procurement Agency (LKPP), when these mechanisms are weak, the space for collusion between officials and suppliers actually expands (Heriyanto, 2025). Her research concludes that preventing collusion requires a systemic approach through regulatory strengthening, improvement of technical capacity for oversight, integration of procurement data platforms, and harmonization of inter-agency SOPs for coordination. This analysis underlines that abuse of authority by law enforcement officials in procurement cannot be reduced to individual misconduct but is produced by failures in institutional design.

Cahyani highlights that, in practice, the Prosecutor's Office plays a dual role in preventing corruption in procurement, a role that is inherently prone to conflicts of interest acting simultaneously as a supervisory body and, in some cases, as a negotiating actor with parties under examination to avoid further legal proceedings (Cahyani dkk., 2025). This dual role creates a situation in which preventive instruments that should be independent are instead open to transactional use, thereby eroding the deterrent effect of criminal law. Her findings support the argument that abuse of authority by law enforcement officials in procurement is not limited to overt acts of extortion, it can also take the subtler form of strategic inaction or selective enforcement.

Synthesizing these studies, the general pattern of law enforcement officials' abuse of authority in procurement can be mapped by procurement stage and dominant form of misuse as follows:

Table 1. Patterns of Law Enforcement Officials' Abuse of Authority Across Stages of Government Procurement

Procurement Stage	Typical Form of Abuse of Authority by Law Enforcement Officials
Planning and budgeting	Informal intervention in determining budget ceilings or owner's estimates (HPS) to favor particular contractors.
Bidding/tender process	Steering tender outcomes through threats of investigation or promises of "protection" in exchange for financial or political benefits.
Supervision and investigation	Termination, delay, or downgrading of cases involving procurement irregularities despite strong preliminary evidence.
Inter-agency coordination	Exploiting gaps and inconsistencies in SOPs among KPK, Police, Prosecutor's Office, and APIP to avoid or fragment enforcement.
Contract implementation	Tolerating manipulation of quantity/quality of goods or services as informal "returns" for prior support or protection.

A sharper doctrinal analysis reveals that the pattern of abuse of authority by law enforcement officials in procurement differs qualitatively from ordinary procurement corruption committed by administrative officials. Law enforcement officials possess dual bargaining power, coercive power to investigate and prosecute, and the capacity to shield themselves and others from prosecution. why abuse of authority by law enforcement officials in procurement is more difficult to uncover than abuse by ordinary administrative officials, since the disclosure process depends on institutions that may themselves be part of the network of misconduct. The phenomenon thereby generates a form of structural impunity that is more resistant to conventional oversight mechanisms.

From an evidentiary standpoint, these patterns complicate consistent application of Article 3 of the Anti-Corruption Law to law enforcement officials, because the element of "abuse of authority" is often obscured behind administrative acts that appear formally lawful, such as issuing orders to halt investigations (SP3) or repeatedly postponing case conferences (gelar perkara) (Masyhudi, 2023). The asymmetry of information between civil society and law enforcement institutions further reinforces this vulnerability, as such technical decisions are rarely subject to open public scrutiny or robust external review. This situation highlights the need for additional transparency mechanisms specifically designed to oversee technical decision-making by law enforcement officials in procurement cases.

A comparative view of patterns of abuse of authority by ordinary administrative officials and by law enforcement officials shows a clear difference in risk gradation. For administrative officials, abuse of authority in procurement can generally be detected through financial audits and internal investigations by APIP and LKPP; in contrast, abuse of authority by law enforcement officials can directly obstruct those audits and investigations. This difference in risk level suggests that legal responses to abuse of authority by law enforcement officials must be more

stringent and structurally independent, rather than relying solely on internal oversight mechanisms within the same enforcement agencies.

The implications of these patterns point to the need for strengthening external oversight bodies that are institutionally independent from law enforcement structures themselves, such as optimizing the roles of the Prosecutorial Commission, National Police Commission, and other independent supervisory bodies with direct access to procurement-related case. Empowering such bodies is crucial to breaking the chain of conflicts of interest that have hindered proof of abuse-of-authority elements in procurement cases involving law enforcement officials, as well as providing accountability channels that do not depend entirely on internal mechanisms within the institutions under scrutiny.

Overall, this analysis of patterns and modus operandi shows that abuse of authority by law enforcement officials in government procurement is multidimensional spanning tender intervention, erosion of legal processes, inter-agency coordination failures, and transactional inaction—which collectively produce a form of corruption that is more concealed and less amenable to conventional oversight. These findings provide a crucial analytical foundation for the following subsection on criminal liability, because the dual role of law enforcement officials as overseers and potential offenders requires a much sharper framework of criminal accountability than that applied to ordinary administrative officials.

3.3. Criminal Liability and Legal Reform Implications for Law Enforcement Officials' Abuse of Authority

To fully assess the impact of abuse of authority by law enforcement officials in government procurement of goods and services, a deep analysis of the applicable framework of criminal liability and its application in judicial practice is required (Rahman & Sinaga, 2025). Rahman shows that in procurement corruption cases, establishing criminal liability cannot stop at proving unlawful conduct and state financial loss; it must also demonstrate a causal link between the official's legally conferred authority and the corrupt acts committed (Rahman & Sinaga, 2025). This requirement is particularly acute for law enforcement officials, whose coercive powers mean that their abuse of authority produces systemic effects that go far beyond mere financial damage.

Pandreadi's detailed study of the application model of Article 3 of the Anti-Corruption Law in procurement cases concludes that this provision should be the primary norm for prosecuting public officials, including law enforcement officers, who misuse their authority (Pandreadi dkk., 2025). He argues that Article 2 is more appropriate for non-official offenders or actors who do not act on the basis of public office, whereas Article 3 is specifically designed to capture abuse of authority by officials who hold legitimate positions. The implication is that any

conduct by law enforcement officials that exploits their office to intervene in, stop, or manipulate procurement processes should be framed under Article 3 rather than Article 2, making “abuse of authority” the central element of proof.

Rahman further stresses that, in the procurement context, criminal liability must differentiate between three types of subjects, public officials, law enforcement officials, and private or corporate actors (Rahman & Sinaga, 2025). This differentiation matters because each category has a different legal basis for authority and a distinct position in the procurement chain, so the appropriate forms of liability and sanctions cannot be identical. For law enforcement officials, their dual status as public officials and enforcers of the law means that their misconduct carries an additional dimension of betrayal of the justice function, which in theory justifies sentence aggravation within a proportional sentencing policy framework.

Criminal law reform through Supreme Court Regulation No. 1 of 2020 on Sentencing Guidelines has direct implications for how courts impose sentences in procurement corruption cases. The guidelines instruct judges to consider factors such as the offender’s position, the degree of abuse of authority, and the social impact of the offense when determining sentence severity. In cases where law enforcement officials misuse their authority to shield or facilitate procurement corruption, these factors logically point toward the need for harsher penalties, because the offense not only harms state finances but also undermines the credibility of law enforcement institutions themselves.

On the corporate side, developments in corporate criminal liability show that offenders in procurement corruption are not limited to individuals but include legal entities that systematically exploit procurement structures for illicit gain. Widyaningrum explains that Indonesian positive law increasingly recognizes corporations as criminal subjects, allowing supplier companies that collude with law enforcement officials in procurement schemes to be held corporately liable (Widyaningrum dkk., 2024). Through a comparative perspective, Saipudin demonstrates that several jurisdictions treat corporate involvement in procurement corruption as a primary basis for heavy fines and structural sanctions, rather than merely an aggravating circumstance (Saipudin dkk., 2025).

Hasnu and Sriwidodo extend this discussion by examining how the 2023 Criminal Code (Law No. 1 of 2023) constructs normative rules for corporate criminal liability, including criteria for corporate fault and types of sanctions available (Hasnu & Prayoga, 2026). Their findings indicate that the Code’s recognition of corporations as criminal subjects strengthens the interaction between Anti-Corruption Law provisions and general criminal law, so that, in future, a combination of Article 3 of the Anti-Corruption Law and the corporate-liability rules in the Code can be used to prosecute companies involved in procurement corruption networks alongside law enforcement officials (Sriwidodo &

Tumanggor, 2024). This reform opens the possibility of imposing liability not only on individual officers but also on corporate entities that directly benefit from abuses of authority in procurement (Amri dkk., 2026).

Malik Mufty's study on trading-in-influence in procurement demonstrates that influence-peddling practices within the Anti-Corruption Law framework can be prosecuted through a combination of Anti-Corruption Law and Criminal Code provisions, even though the term itself is not explicitly mentioned in the statute (Mufty, 2025). In the context of law enforcement officials, trading-in-influence emerges when officers offer "legal protection" or case management in return for financial benefits from suppliers or corporations. Consequently, criminal liability for abuse of authority by law enforcement officials in procurement should not be limited to direct acts causing state loss, but should also encompass influence-trading transactions that corrode the integrity of the enforcement system.

Schematically, the relationship between types of actors, primary legal bases, and core forms of criminal liability in procurement corruption can be summarized as follows:

Table 2. Framework of Criminal Liability in Public Procurement Corruption

Type of Actor	Primary Legal Basis	Core Form of Criminal Liability
Law enforcement officials (police, prosecutors, etc.)	Article 3 Anti-Corruption Law; Supreme Court Regulation No. 1/2020 on Sentencing Guidelines	Individual criminal liability for abuse of authority, with potential sentence aggravation due to betrayal of the law-enforcement function.
Administrative officials (commitment-making officials, budget users)	Articles 2 and 3 Anti-Corruption Law	Individual criminal liability for unlawful acts and abuse of authority linked to procurement decisions.
Private individuals (contractors, consultants)	Articles 2 and 3 Anti-Corruption Law; case-law on procurement corruption	Individual criminal liability when directly participating in procurement schemes that cause state loss.
Corporations (companies/suppliers)	Anti-Corruption Law; corporate-liability provisions in the 2023 Criminal Code; doctrinal developments in Widyaningrum, Saipudin, Hasnu, Sriwidodo	Corporate criminal liability through fines, remedial measures, and structural sanctions when corporate policy drives or facilitates procurement corruption.

From a criminal-policy perspective, the combined operation of Article 3 of the Anti-Corruption Law, the Supreme Court sentencing guidelines, and the new corporate-liability regime in the Criminal Code creates an opportunity to design multi-layered accountability mechanisms for law enforcement officials' abuse of authority in procurement. In such a scheme, officials who misuse their authority can be prosecuted as principal offenders or accomplices in procurement corruption, while corporations that benefit from their misconduct can be treated as criminal subjects subject to fines and structural sanctions. This layered

approach is theoretically more effective than focusing enforcement solely on public officials, because it reduces the possibility of rotating offenders at the corporate level while leaving systemic incentives intact.

For the present study, the foregoing analysis of criminal liability and legal reform implications confirms that abuse of authority by law enforcement officials in government procurement is not merely an ethical or disciplinary issue but a structural criminal-law problem requiring a clear and consistently applied accountability framework. Integrating Anti-Corruption Law norms, sentencing guidelines, and corporate-liability constructs provides a robust theoretical and normative basis for prosecuting both officials and entities involved in procurement corruption networks, while also informing institutional reform proposals aimed at ensuring that future abuses of authority are no longer protected by legal loopholes or weaknesses in oversight design

4. Conclusion

First, the normative configuration of abuse of authority in government procurement shows that procurement corruption occupies the intersection of administrative law, criminal law, and governance, with Article 3 of the Anti-Corruption Law as the core provision for prosecuting officials whose conduct deviates from the purpose of their authority. Without an integrated reading of these three regimes, the boundary between administrative violations and corruption offenses remains blurred, leaving room for impunity for officials and law enforcement officers who exploit systemic weaknesses. *Second*, the patterns and modus operandi of law enforcement officials' abuse of authority in procurement appear not only in direct intervention in tender processes, but also in weakened oversight, case fixing, and strategic use of coordination gaps among institutions. Their dual role as overseers and potential offenders makes procurement corruption involving law enforcement more concealed and less accessible to conventional oversight, thereby requiring stronger transparency mechanisms and independent external supervision. *Third*, the framework of criminal liability for law enforcement officials' abuse of authority demands firm application of Article 3 of the Anti-Corruption Law, supported by sentencing guidelines and the new corporate-liability regime in the Criminal Code. A layered approach that simultaneously targets officials, law-enforcement actors, and corporations offers a greater chance of dismantling systemic incentives for procurement corruption, while driving institutional reforms so that future abuses of authority are no longer shielded by legal loopholes or weak oversight design.

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